



PROBATION AND PAROLE BUREAU STANDARD OPERATING PROCEDURES

Procedure No.: P&P 30-1	Subject: PRE-SENTENCE INVESTIGATION (PSI) REPORT & GUIDE/POST SENTENCE INVESTIGATION	
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Signature: /s/ Ron Alsbury	Revision Date: 12/05/01; 06/17/02; 09/10/02 03/06/04; 03/01/05; 08/01/05	
	Effective Date: 06/01/00	

I. BUREAU DIRECTIVE: Probation and Parole Bureau employees will comply with District Court Judges orders for pre-sentence investigations and follow standardized procedures when preparing and distributing pre-sentence investigation reports. Reports are to be done only in felony cases. PSI's will only be done in misdemeanor cases that initially were charged as a felony sex or violent crime.

II. AUTHORITY:

46-18-111, M.C.A. *Pre-sentence investigation- when required.*
46-18-112, M.C.A. *Content of pre-sentence investigation report*
46-18-113, M.C.A. *Availability of pre-sentence investigation report*
46-18-242, MCA *Investigation and report of victim's loss*
State vs. Hilger

III. DEFINITIONS:

Pre-Sentence Investigation report means a confidential and official court document designed to provide essential information to assist district court judges in determining an appropriate sentence for an offender. The report also guides correctional programs in the management of the offender and in developing a case plan for the offender.

IV. PROCEDURES:

- A. Upon order of the District Court Judge, the Probation and Parole Officer conducts a pre-sentence investigation and prepares a written report. The Parole Officer Technician, under the guidance and direction of the Probation & Parole Officer, may assist with gathering the PSI information.
- B. **Pre-Sentence Investigation Fee** - As per 46-18-111 M.C.A., the defendant shall pay to the Department of Corrections a \$50 fee at the time that the PSI report is completed, unless the court determines that the defendant is not able to pay the fee within a reasonable time. The defendant is to submit this payment to the Department of Corrections by money order one week prior to the submission of the PSI report. The funds received will be used to provide funds for offender day reporting programs. This fee is in effect for offenses committed after July 1, 2005. These fees will be forwarded to the State Department of Corrections Fiscal Bureau.
- C. Authors of the pre-sentence investigation report will use the Bureau's standardized format and fulfill statutory requirements.
- D. The investigation must include an evaluation of the offender under guidelines established by the Probation and Parole Bureau.

- E. Per statute, the Probation and Parole Officer shall promptly inquire into and report upon the offender's characteristics, circumstances, needs and potentialities, as well as the offender's criminal record, social history, time in detention for the offenses charged and harm caused to the victim, victim's immediate family, and the community. The report will include a list of the offender's assets.
- F. The PSI will also include the General Health questions for Medical Screening. This form will be attached to the PSI.
- G. The PSI will include an affidavit, *P&P 30-1 (E) Report of Victim's Pecuniary Loss*, that is submitted by the victim which specifically describes the victim's pecuniary loss and the replacement value in dollars of the loss. If submitted by the victim, this will be attached to the PSI.

Upon completion of the report, the Probation and Parole Officer will distribute the report to the following:

- Sentencing Court (Original)
- Prosecuting Attorney
- Defendant's Attorney
- Defendant
- Agency or institution to which the offender is committed
- File
- District Office

PROCEDURE:

1. Pre-sentence Investigation is ordered.
2. PSI is assigned to Probation and Parole Officer.
3. Investigates offender and prepares a written report.
4. Reviews Pre-sentence Investigation report. (*Will be reviewed and signed off on for all officers on probation.*)
5. Collects PSI fee and forwards to the DOC Fiscal Bureau.
6. Distributes Report.
7. If a Pre-Sentence Investigation was not ordered on an offender placed on supervision with the Department of Corrections, a P&P Officer in the committing county will be responsible to complete a Post-Sentence Investigation on the offender within 30 days of assignment of the case. The offender must have a completed Post PSI prior to any transfer.

If an offender coming in on an Interstate Transfer and does not have a Pre-Sentence Investigation in their file, the P&P Officer is not required to complete a Post PSI

RESPONSIBILITY:

- District Court Judge
- Regional Administrator
PO II
- Probation and Parole Officer
- Regional Administrator
PO II
- Probation and Parole Officer
- Probation & Parole Officer
- Probation & Parole Officer

on the offender. The only requirement is that the P&P

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Officer will need to have the offender complete *P&P 30-1 (D) Pre-Sentence Investigation Questionnaire* for placement in the offender's field file.

The Post-Sentence Investigation Information will include:

- Pre-Sentence Investigation Questionnaire/Medical Screening.
- Relevant Police Report(s) of current offense;
- Affidavit to File Information Direct or pertinent County Attorney Information;
- Plea Agreement;
- Court Order; (Read for full understanding of conditions)
- Victim Information;
- NCIC or CJIN Criminal Record Check

Once the officer has compiled and reviewed all the information, they will complete *P&P 30-1 (F) Post Sentence Investigation*. The *Post Sentence Investigation* will serve as a resource to other P&P Officers and entities within the Department. Officers need to keep this in mind and assure that all pertinent information is detailed in this report. Officers are required to complete the first two pages of this report including the Criminal History section. Officers are strongly encouraged to complete the full Post PSI form, which includes family, medical, etc. sections. If the officer chooses to complete the full Post PSI form, they will be given full PSI points on the monthly workload report.

V. CLOSING: Questions concerning this procedure shall be directed to the Regional Administrator or PO II.

Forms

- P&P 30-1 (A) Guide for Pre-Sentence Investigation
- P&P 30-1 (B) Pre-Sentence Investigation
- P&P 30-1 (C) Instructions for Pre-Sentence Investigation Report
- P&P 30-1 (D) Pre-Sentence Investigation Questionnaire & Medical Screening
- P&P 30-1 (E) Report of Victim's Pecuniary Loss
- P&P 30-1 (F) Post-Sentence Investigation